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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—खण्ड-खण्ड (II)
PART II—Section 3—Sub-section (II)

प्राधिकार से प्रकाशित
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सं० 492] नई दिल्ली, शनिवार, अक्टूबर 30, 1982/कार्तिक 8, 1904
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भाग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

गृह मंत्रालय
अधिसूचनाएं

नई दिल्ली, 30 अक्टूबर 1982

सं० आ० 765 (अ).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 1 मई, 1982 को देशवर्ष काउन्सिल फॉर खलिस्तान को विधि विरुद्ध संगम घोषित किया था ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 29 मई, 1982 को विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम गठित किया था जिसमें मुम्बई उच्च न्यायालय के न्यायमूर्ति श्री जी० एन० मेहता ने ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना की, इस बात का न्यायनिर्णयन करने के प्रयोजनार्थ कि उक्त संगम की विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण है या नहीं, 29 मई, 1982 को उक्त अधिकरण की निविष्ट किया था ;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 19 अक्टूबर, 1982 को आदेश पारित किया ;

908 GI/82—1

(1)

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण का उक्त आदेश प्रकाशित करती है,
अर्थात्:—

आदेश

विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम के समक्ष (अंग्रेजी में प्रकाशित अधिसूचना देखिये)

[सं० II/17017/8/82 आई० एस० यू०एस० (डी II)]

MINISTRY OF HOME AFFAIRS

NOTIFICATIONS

New Delhi, the 30th October, 1982

S.O. 765 (E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 1st May, 1982, the National Council of Khalistan to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 29th May 1982, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice D.N. Mehta, Judge of Bombay High Court ;

And whereas the Central Government, in exercise of the powers conferred by sub-section(1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 29th May, 1982 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 19th October, 1982;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely:—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

Reference made under Section 4, Sub-Section (1) of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967)

In Re : Reference Case No. 2 of 1982

THE NATIONAL COUNCIL OF KHALISTAN

PRESENT :

The Honourable Mr. Justice D.N. Mehta

For the Union of India : Mr. M.L. Nanda with
Mr. M. Mohan Singh

For the National

Council of Khalistan: No appearance

Venue of the Sitting and
dates of hearing: At Bombay
Court Room No. 34, First
Floor, High Court Building,
Bombay.
27th, 29th and 30th September
1982

At Delhi
Room No. 1, Punjab House,
Copernicus Road, New Delhi
4th, 5th, 6th and 11th October
1982

At Chandigarh
Sector 36-D, House No. 1592,
Chandigarh
8th and 9th October 1982

Date of the Order: 19th October 1982

ORDERS

MEHTA J:

1. Introduction:—This is a Reference under Section 4, Sub-section (1) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the 'said Act'). The Central Government by a Notification bearing No. S.O. 296(E), dated 1-5-1982 published in the Gazette of India Extraordinary of the same date declared the National Council of Khalistan (hereinafter referred to as the 'N.C.K.') as an unlawful Association. By another Notification, bearing No. 373(E), dated 29-5-1982, the Central Government constituted the present Tribunal under Section 5, Sub-section (1) of the said Act. By a letter bearing reference No. II/17017/11/82-I.S.U.S.D. II (undated) the Central Government referred to this Tribunal the question whether there was sufficient cause for declaring the Organisations known as 'Dal Khalsa' and 'the National Council of Khalistan' as unlawful and whether there was sufficient justification for confirming the Notifications dated 1-5-1982 or for lack of grounds cancelling the same.

2. Thereafter on 19-7-1982 the Central Government appointed Shri D.D. Damle as the Registrar of the Tribunal. On 29-7-1982 and 16-8-1982 Notices were issued to the Association and the different Office-bearers under Sub-section (2) of Section 4 of the said Act.

3. At a preliminary hearing, the dates of hearing of evidence at Bombay, Delhi and Chandigarh were fixed. It was decided to hold hearings in Bombay on 27th, 29th and 30th September 1982, at Delhi on 4th, 5th and 6th October 1982 and at Chandigarh on 8th and 9th October 1982. Later it became necessary to hold an additional day of hearing at Delhi on 11th October 1982. Notices with regard to the dates of sittings at Bombay, Delhi and Chandigarh were issued to the N.C.K. the concerned Association and its Office bearers.

4. The Central Government Notification in respect of the National Council of Khalistan, bearing No. S.O. 296(E), dated 1-5-1982 is in the following terms:—

"S.O. 296(E)—Whereas the organisation known as 'the National Council of Khalistan' (hereinafter referred to as the Council):—

- (i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary General, proclaimed as its objective the establishment of an autonomous, separate Sikh State of Khalistan has been encouraging the secessionist and violent activities of the organisation known as 'Dal Khalsa';
- (ii) had, in furtherance of the aforesaid objective, indulged in secessionist activity by issuing—
 - (a) five dollar currency notes of the so-called Republic of 'Khalistan';
 - (b) postage stamps of 'Khalistan' and
 - (c) pass-ports of the so-called Government of Khalistan;

And whereas, the Central Government is of opinion that for the reasons aforesaid, the Council is an unlawful association;

And whereas the Central Government is further of the opinion that because of the encouragement being given to the 'Dal Khalsa' by the Council for the furtherance of its objective it is necessary to declare the Council to be unlawful with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'National Council of Khalistan' to be an unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette."

It is pertinent to point out that under the Proviso to sub-section (3) of Section 3 of the said Act, this Notification came into immediate effect from the date of its publication in the Official Gazette.

5. Salient Provisions of the Act:—It will be relevant at this stage to point out the salient provisions of the Unlawful Activities (Prevention) Act, 1967. Section 3, Sub-section (1) empowered the Central Government to declare unlawful any

Association if it was of the opinion that such an Association had become unlawful, by Notification in the Official Gazette. Sub-section (2) of Section 3 of the said Act required the Government to specify the grounds and such other particulars on which the said Notification was issued. Sub-section (3) of Section 3 provided that no such Notification would have effect until the Tribunal had, by an order made under Section 4, confirmed the declaration made therein and the order was published in the Official Gazette. The Proviso to Sub-section (3) of Section 3, however, conferred special power on the Central Government to give immediate effect to the Notification if in its opinion circumstances existed which rendered it necessary to declare an Association to be unlawful with immediate effect, for reasons to be stated in writing. Under Sub-section (4) of Section 3, the said Notification was required to be published in one daily newspaper having circulation in the State in which the principal office of the Association was situated, apart from publication in the Official Gazette, and the said Notification was also to be served on the Association by one of the four modes provided i.e. (a) by affixing a copy of the Notification to some conspicuous part of the office of the Association; (b) by serving a copy of the Notification, where possible, on the principal office-bearers of the Association; (c) by proclaiming by beat of drums or by means of loud-speakers, the contents of the notification in the area in which the activities of the Association were ordinarily carried on and (d) in such other manner as may be prescribed. Under Rule 4 of the Unlawful Activities (Prevention) Rules, 1968, two additional modes of effecting service of the Notification made under Sub-section (1) of Section 3 were provided, (e) by making an announcement over the Radio from the local or nearest broadcasting station of the A.I.R. or (f) by pasting the Notification on the Notice board of the office of the District Magistrate or the Tehsildar at the Headquarters of the District or the Tahsil in which the office of the Association was situated. Under Sub-section (1) of Section 4 where any Association had been declared unlawful by a Notification issued under Sub-section (1) of Section 3, the Central Government was required to refer the Notification to the Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring the Association unlawful. Sub-section (2) of Section 4 laid down that on receipt of the Reference under Sub-section (1), the Tribunal had to effect notice in writing to the Association to show cause within 30 days from the date of the service of the Notice why the Association should not be declared unlawful. Sub-section (3) of Section 4 provided that after considering the cause shown by the Association, the Tribunal shall hold an inquiry in the manner specified in Section 9 and after calling for any further information as it considered necessary, shall decide whether or not there was sufficient cause for declaring the Association to be unlawful, and make, as expeditiously as possible and in any case within a period of six months from the date of issue of the Notification under Sub-section (1) of Section 3, such order either confirming or cancelling the declaration made in the Notification. Sub-section (4) of Section 4 laid down that the order of the Tribunal be published in the Official Gazette. Section 5, Sub-section (1) empowered the Central Government to constitute a Tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person, by a Notification in the Official Gazette. Under the Proviso to Sub-section (1), such a person so appointed was to be of the rank of a Judge of a High Court. Sub-section (5) of Section 5 gave powers to the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions, including the place of places at which it would hold its sittings. Sub-section (6) conferred on the Tribunal the same powers as were vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit. Sub-section (7) of Section 5 laid down that the proceeding before the Tribunal shall be deemed to be a

judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code and the Tribunal shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898. Section 6 Sub-section (1) of the said Act provided that a Notification issued under Section 3 would remain in force for a period of two years from the date on which the Notification became effective, provided the declaration made therein was confirmed by the Tribunal by an order made under Section 4. Sub-section (2) of Section 6 empowered the Government to cancel the Notification issued under Section 3 at any time whether or not the said declaration had been confirmed by the Tribunal. Section 9 of the said Act laid down that the procedure to be followed by the Tribunal in holding any inquiry under Sub-section (3) of Section 4 would be regulated by the procedure laid down in the Code of Civil Procedure and the decision of the Tribunal would be final.

6. Section 2, Clause (f) of the said Act defined "unlawful activity" in relation to an individual or association as follows:—

"2(f) 'Unlawful activity' in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise)—

- (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;
- (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India"

The expression "cession of a part of the territory of India" has been defined in Section 2, clause (b) as an expression which included an admission of the claim of any foreign country to any such part. The expression "secession of a part of the territory of India from the Union" was defined in Section 2, clause (d) as an expression which included the assertion of any claim to determine whether such part would remain a part of the territory of India. There are some of the salient features of the said Act.

7. The case of the Government against the National Council of Khalistan:—From the papers submitted to the Tribunal, the case of the Government appears to be that the concept of Khalistan was mooted by one Dr. Jagjit Singh, an erstwhile Finance Minister of the State of Punjab in the Akali Ministry in 1968. Soon after the fall of the Ministry Dr. Jagjit Singh proceeded to England in 1970. It was here that for the first time he raised the slogan of Khalistan or an independent home-land for the Sikhs. He carried out propaganda for the establishment of Khalistan in London and in different cities of the U.S.A. and Canada. During the 1971 war between India and Pakistan, he appealed to Indian Sikhs from the Lahore Radio to side with Pakistan in the war. In 1977, Dr. Jagjit Singh returned to India and stayed till the middle of 1980. During this period of his stay, he made an attempt to install a Radio transmitter in the Golden Temple at Amritsar. In March 1981, Ganga Singh Dhillon, Chairman of the Shri Nanak Sahib Foundation, Washington, declared at the Sikh Educational Conference at Chandigarh that Sikhs were a separate nation. He also moved a Resolution at the said Conference demanding that the Sikhs be admitted to Associate Membership of the United Nations as they held a separate identity.

8. The National Council of Khalistan issued an 'Allanama' or a declaration demanding sovereignty for an autonomous Sikh State, separate from India. The Association then started preaching and propagating secession through posters, pamphlets, leaflets and issue of Bank notes, postage stamps and Passports etc. In March 1980 the Khalistan flag was hoisted at some distance from Gurudwara Kesgarh Sahib at Anandpur Sahib by Dr. Jagjit Singh. On 16-6-1980, Balbir Singh Sandhu Secretary-General of the N.C.K. issue a declaration in front of the 'Akai Takht' at Amritsar announcing the establishment of the Government of Khalistan. In his declaration Balbir Singh Sandhu stated that Dr. Jagjit Singh had taken oath as President of Khalistan. He made an appeal to all independent countries of the world to recognise the Government of Khalistan and to allow them to establish Embassies in their respective countries. On 4-7-1980 Balbir Singh Sandhu issued Circular to all Senior Officers in the State of Punjab exhorting them to work according to the dictates of the Government of Khalistan. On 26-8-1980 leading newspapers in Jullundur received a 30 Paise postage stamp bearing the insignia of Khalistan. There was also a message or the 'Akai Sahaj' from Dr. Jagjit Singh, with an address at 34, Full mead Road, Reading, U.K. On 25-10-1980 five workers of the National Council of Khalistan started a route march from 'Akai Takht Shāhib' at Amritsar via several towns and villages and returned to Guru Nanak Niwas, Amritsar, for the purpose of propagating the concept of Khalistan. On their way, they distributed pamphlets, posters and leaflets. On 9-12-1980 Balbir Singh Sandhu made an announcement at Amritsar that he had received directions from Dr. Jagjit Singh, President of the Government of Khalistan, to recruit 100 Advocates for the purpose of drafting the laws of Khalistan Raj, 100 Military Officers for its defence, 100 Police Officers for maintenance of law and order and 100 Professors to educate and spread the ideology of Khalistan amongst the students and the intelligentsia. Balbir Singh Sandhu stated at this meeting that Dr. Jagjit Singh had met President Brezhnev of U.S.S.R. seeking recognition of Khalistan and that the Soviet President had assured him of all possible help in that direction.

9. In April 1981, the National Council of Khalistan started distributing Khalistan posters issued by the Republic of Khalistan. On 8-4-1981, two N.C.K. activists Ujagar Singh Randhwa and Hazara Singh of Chok Misri Khan crossed over to Pakistan. They were apprehended on 30-4-1981 by the B.S.F. picket while they were attempting to return back. During their interrogation, they disclosed that they had gone to Pakistan at the instigation of Balbir Singh Sandhu, Secretary-General of the N.C.K., who had given them certain pamphlets to be distributed in Pakistan and a letter which was to be handed over to the Pakistan Government. On 12-7-1981 a meeting of the protagonists of N.C.K. was held at Burj Baba Phoola Singh, Amritsar, which was attended by Balbir Singh Sandhu and Ujagar Singh Randhwa. At this meeting, it was resolved to sever all connections with the Union Government and to form a separate State of Khalistan where the Kesar flag would be hoisted.

10. Dr. Jagjit Singh, President of the National Council of Khalistan, engaged in unlawful activities abroad and had his headquarters at Toronto (Canada) and London (U.K.). From there he disseminated literature relating to the Government of Khalistan, in the form of posters, leaflets, currency-notes, postage stamps, passports and periodicals. This literature contained a distorted version of alleged excesses committed by the Indian Government on the Sikh population, particularly the protagonists of Khalistan.

11. Issues:—On the material placed before the Tribunal, the following two issues were raised:—

- (1) whether there is sufficient cause for declaring the Association known as 'the National Council of Khalistan' as an unlawful Association under the provisions of the Unlawful Activities (Prevention) Act, 1967, and
- (2) Whether the declaration made under Sub-Section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967, by Notification bearing No. S.O. 296(B) published in the Gazette of India Extraordinary, New Delhi, dated 1-5-1982 be confirmed or cancelled.

12. Evidence led by the Government:—The Tribunal held its sittings at Bombay, Delhi and Chandigarh for the purpose of recording evidence of witnesses offered by the Government as also witnesses from the public on various days mentioned heretofore. The Government led the evidence of ten witnesses. The first witness to be examined was Gurudev Singh Grewal, Joint Secretary in the Ministry of Industries, Government of India. Grewal in a formal witness who deposed to the issue of the various Notifications by the Government. Grewal stated that from 11-8-1980 to 31-5-1982 he was attached to the Ministry of Home Affairs as Joint Secretary and was dealing with the political affairs in the country. He stated that in the course of his duties, he came across the activities of an organization known as the National Council of Khalistan. The activities of the N.C.K. were reported to his Ministry by the State Government of Punjab from time to time. On the basis of the reports received from the State Government and also on the anxiety expressed by Members of Parliament in Rajya Sabha and by the public in general through the media, protesting against the unlawful activities of the N.C.K., it was decided to take action against that organization under the Unlawful Activities (Prevention) Act, 1967. Consequently, on 1st May 1982 the Central Government issued a Notification under Section 3 of the said Act declaring the N.C.K. as unlawful. The Notification appearing in the Gazette of India Extraordinary, dated 1-5-1982 in respect of the National Council of Khalistan has been tendered and marked Exhibit No. 1.

13. Subsequently, the Government approached the Bombay High Court for the appointment of an Honourable Judge as Tribunal under Section 5 of the said Act. On 29-5-1982 this Tribunal was constituted. The appointment was announced by a Notification to that effect appearing in the Gazette of India Extraordinary, dated 29-5-1982. A copy of the Notification regarding the appointment of the present Tribunal has been tendered and marked Exhibit No. 2. Thereafter the case of the National Council of Khalistan was referred to the Tribunal and all relevant papers and documents, on the basis of which the Notification was issued, were forwarded to the Tribunal.

14. Grewal then deposed that in view of the communal tension prevailing at various places in the Punjab and the apprehension of the situation taking a serious turn, it was decided by the Government to take recourse to the Proviso to Sub-section (3) of Section 3 of the said Act and to bring the declaration regarding the N.C.K. into immediate effect. The announcement to that effect had been made in the Notification, dated 1-5-1982 itself. Grewal stated that the announcement of the Notification, dated 1-5-1982, declaring the N.C.K. as unlawful was made on the national hook-up of the All India Radio and also published in seven newspapers, one in Delhi, one in Chandigarh and five in the Punjab. He stated that the Notification could not be served at the office of the National Council of Khalistan as that organization operated from abroad.

15. Analysis of the evidence led by the Government:—The Government has then led the evidence of Sukhdev Singh S/o Sardar Bachitra Singh, Witness No. 5, who deposed to the incident of March 1980 when Dr. Jagjit Singh Chauhan declared his intention to establish the autonomous State of Khalistan. Sukhdev Singh was posted as Inspector of Police, C.I.D. at Ropar from 30-6-1979 to October 1980. Anandpur Sahib, which was one of the five principal Gurudwaras of the Sikhs, fell within his jurisdiction. Each year there was a fair at Anandpur Sahib called 'Hola Mohala'. On this occasion, about two or three lakhs of people had gathered for participating in the fair. Different religious bodies as also political parties held meetings at this place. Sukhdev Singh stated that the 'Hola Mohala' fair in 1980 took place on the 1st, 2nd and 3rd of March 1980. He stated that on all these three days he had camped at Anandpur Sahib with his staff. On 2-3-1980 at about 2 p.m. Dr. Jagjit Singh, who was at one time, a Cabinet Minister in the Government of Punjab, took out a procession with 10 or 12 of his followers from Gurudwara Kesgarh Sahib upto Guru Gobind Singh Marg. At the Gurudwara, Dr. Jagjit Singh offered prayers. On reaching Guru Gobind Singh Marg, he unfurled the flag of the National Council of Khalistan, which was then known as 'Inquilabi Akali Dal'. He raised the slogans of "Khalistan Zindabad". After unfurling the flag, Dr. Jagjit Singh made a speech in which he stated that he wanted to establish a separate State of Khalistan as there was no place for Sikhs in India. He appealed to all Sikhs to join him towards this end. He stated that the new State of Khalistan would be comprised of the entire Punjab and parts of Haryana, Himachal Pradesh, Rajasthan and other northern States. Sukhdev Singh thereafter prepared a report and forwarded the same to his superiors on the same day. This appears to be the beginning of the efforts to establish an autonomous Sikh State.

16. The Government then led the evidences of Megh Raj S/o Pandit Sohan Lal, Witness No. 2, who was posted as a Sub-Inspector at the Punjab Police Station, Division No. 4, Jullundur. Megh Raj stated that he was in charge of the Police Station, Division No. 4, Jullundur from 27-5-1982. After his appointment, he took over the investigation of Case No. 254 of 1981 relating to the F.I.R. filed on 17-8-1981 from Inspector Kundan Singh. This case was registered on the basis of an 'Allan-nama' or proclamation issued by Dr. Jagjit Singh and Balbir Singh Sandhu, who claimed to be the President and Secretary-General respectively, of an organization known as the National Council of Khalistan. The case was registered under Sections 124A, 153A of the Indian Penal Code and Section 13 of the Unlawful Activities (Prevention) Act, 1967. Megh Raj stated that in the said 'Allan-nama' it was stated that a separate State of Khalistan would be established shortly comprising of the State of Punjab, parts of Jammu and Kashmir, Himachal Pradesh, Haryana and Rajasthan where the Punjabi speaking people resided. It was also mentioned in the declaration that a separate Constitution of the State of Khalistan would be drafted and that the Sikhs would not recognise the Constitution of India. The proclamation also exhorted the Sikhs residing abroad to recognise the State of Khalistan and submit to its jurisdiction.

17. This proclamation or 'Allan-nama' was announced by Balbir Singh Sandhu, Secretary-General of the N.C.K. from the Gurudwara at Amritsar on 16-6-1980. Balbir Singh Sandhu had declared that if the demand for a separate State of Khalistan was not met by the Government of India the consequences would be disastrous.

18. Megh Raj stated that he could not investigate the origin of the proclamation as the name of the Printing Press had not been mentioned in the 'Allan-nama'. Dr. Jagjit Singh resided

abroad in different countries. Balbir Singh Sandhu had taken shelter in the Darbar Sahib at Amritsar. The Police did not wish to enter into the precincts of the Gurudwara to effect the arrest. Megh Raj produced a photostat copy of the 'Allan nama' which has been marked as Exhibit No. 4. Copy of the F.I.R. of Case No. 254 dated 17-8-1981 was also produced by Megh Raj and marked as Exhibit No. 3. The case was under investigation.

19. It will be pertinent at this stage to refer to the evidence of Harbhajan Singh S/o Sardar Gopal Singh, Witness No. 4, who was, at the time he deposed, posted as the Superintendent of Police, Punjab Armed Police, Bahadurgarh, District Patiala. Harbhajan Singh deposed that in 1979, he was posted as Superintendent of Police, C.I.D. at Amritsar and remained in that post till 1980. As Superintendent of Police, it was his duty to collect information on political matters and forward the same to the Government. Harbhajan Singh stated that on 16-6-1980, he came across a report forwarded to him by Inspector Ajit Singh. The report described in detail the activities of an organization known as the National Council of Khalistan. Harbhajan Singh stated that he verified the contents of the report through his own sources and found it to be correct. On the same day, he forwarded the report to the Government of Punjab under his signature. The report stated that on 16-6-1980, four persons i.e. Balbir Singh Sandhu, Ram Singh Tihare, Kirpal Singh Sandhu and Ujagar Singh gathered in front of the 'Akal Takht', which was the highest place in the Golden Temple at Amritsar and there they offered prayers and announced the establishment of the Government of Khalistan. After the prayer meeting, Balbir Singh Sandhu, Secretary-General of the N.C.K. held a Press Conference. At this Press Conference he announced that he had received a letter from Dr. Jagjit Singh, President of the National Council of Khalistan, announcing the simultaneous establishment of the Government of Khalistan in Amritsar, London, Paris and Toronto. Balbir Singh Sandhu stated that he did not recognise the Punjab Government and that efforts were being made to seek political recognition of the Government of Khalistan by the Governments of other countries. Harbhajan Singh produced a photostat copy of the report of Inspector Ajit Singh, dated 16-6-1980, which has been tendered and marked as Exhibit No. 16.

20. Harbhajan Singh then testified that on 4-7-1980 Balbir Singh Sandhu, Secretary-General of the N.C.K. issued a Circular-letter under the seal of the National Council of Khalistan, addressed to all Sub-Divisional Magistrates, Deputy Commissioners, Superintendents of Police, Inspector-General of Police, the Chief Secretary to the Government of Punjab, the Home Secretary of the Government of Punjab and all Commissioner of Jullundur, Patiala and Ferozpur, stating that the Government of Khalistan had been established and that all correspondence in future be addressed to that Government. Photostat copy of the Circular-letter was produced by Harbhajan Singh and the same has been marked as Exhibit No. 17.

21. I shall now refer to the evidence of Pirthi Pal Singh S/o Sardar Harchand Singh, Witness No. 10, who was on the date he deposed the Deputy Superintendent of Police, C.I.D., Punjab Special Branch at Chandigarh. His evidence also related to the establishment of the State of Khalistan. Pirthi Pal Singh stated that he was serving in the Police Department of the Punjab Government for the last about 38 years. He stated that since December 1975, he was serving as the Deputy Superintendent of Police in the Punjab C.I.D. Special Branch at Chandigarh. The C.I.D. Headquarters of the Punjab Government were located in Chandigarh. Pirthi Pal Singh stated that in the course of his duties, he received various reports

on the activities of the National Council of Khalistan. On 6-6-1980, Balbir Singh Sandhu, Secretary-General of the N.C.K. issued a Press release in which he stated that on 16-6-1980 the National Government of Khalistan would be established in the presence of the 'Akal Takht' (the highest religious seat of the Sikhs in the Golden Temple at Amritsar). The Press release stated that a similar proclamation would also be made in London, Paris and Toronto. The Press release further stated that the Government of Khalistan would be proclaimed by Dr. Jagjit Singh on 16-6-1980 in London. Thereafter the Khalistan Government Embassies would start functioning in various countries. Dr. Jagjit Singh would head the new Government and announce its Cabinet of Ministers. Pirthi Pal Singh has produced a photostat copy of the Press release issued by the N.C.K. which has been tendered and marked as Exhibit No. 23.

22. Pirthi Pal Singh then stated that in November 1980, he came across a copy of a letter, dated 4-11-1980 written by Balbir Singh Sandhu, addressed to one Dr. Kalicharan, a Hindu leader in Ludhiana. The letter stated that if Dr. Kalicharan valued his life and wanted to survive, he should accept and recognise the Khalistan Government. The letter stated that the Government of Khalistan had already been proclaimed in the presence of the 'Akal Takht' on 16-6-1980. Pirthi Pal Singh has produced a photostat copy of the letter, dated 4-11-1980, addressed by Balbir Singh Sandhu to Dr. Kalicharan, which has been tendered and marked as Exhibit No. 24.

23. Pirthi Pal Singh then deposed that on 13-4-1981, the National Council of Khalistan issued a Press release stating that with the blessings of the Almighty, the first Pass-port of the Khalistan Government had been issued from 'Akal Takht' to Dr. S. Gopal Singh Shahid on the auspicious day of the birthday of the 'Akal Takht'. Pirthi Pal Singh has produced a photostat copy of the said Press release, which has been tendered and marked as Exhibit No. 25.

24. In June 1981, Pirthi Pal Singh came across a Circular letter, dated 3-6-1981 issued by Avtar Singh, Public Relations Officer of the Government of Khalistan, stationed in Toronto, calling upon all Sikhs residing in the U.S.A. and Canada to endorse the demand for a separate nation of Sikhs, and further stating that efforts will be made for the recognition of the Government of Khalistan in the United Nations. Pirthi Pal Singh has produced a photostat copy of the Circular, dated 3-6-1981, which has been tendered and marked as Exhibit No. 26.

25. Pirthi Pal Singh also produced another copy of the Circular issued by Avtar Singh, Director of Public Relations, Government of Khalistan, from Toronto, announcing the opening of Consulates of the Government of Khalistan by Dr. Jagjit Singh, President of the Republic of Khalsa in eight Cities of the U.S.A. and Canada. A photostat copy of that Circular has been tendered and marked as Exhibit No. 27.

26. Finally, Pirthi Pal Singh produced a copy Circular issued by Balbir Singh Sandhu, Secretary-General of the N.C.K. on the letter-head of the Government of Khalistan, addressed to all Deputy Commissioners and Superintendents of Police calling upon them not to participate in the celebrations of the Independence Day of 15-8-1981 and to refrain from hoisting the national flag and to treat the Independence Day as a black-letter day. Pirthi Pal Singh produced a photostat copy of the Circular, dated 11-8-1981 issued by Balbir Singh Sandhu, which has been tendered and marked as Exhibit No. 28.

27. I shall now consider the evidence of Jagdish Mitter s/o Jagannath, Witness No. 8. Jagdish Mitter retired from the service of the Punjab Police on 31-1-1981. His last posting prior to retirement was as the Deputy Superintendent of Police

in the C.I.D. at Faridpur. One of the duties of Jagdish Mitter was to collect intelligence reports of political and other activities and to submit the same to the Government of Punjab. In the course of his duties in the C.I.D., Jagdish Mitter came to learn of the activities of a political body known as the National Council of Khalistan. On 9-12-1980 Jagdish Mitter received information that Balbir Singh Sandhu, Secretary-General of the N.C.K. had received a special message from Dr. Jagjit Singh, President of the N.C.K. in London, asking Balbir Singh Sandhu to recruit the following staff :—

100 Police Officers to maintain law and order in the new State of Khalistan;

100 Military Officers in order to take charge of the defence organization;

100 Advocates to draft the laws of the new Government, and

100 Professors to propagate the ideals and aims of the Khalistan Government amongst the students and the intelligentsia.

The message also stated that Dr. Jagjit Singh had been successful in obtaining an interview with the President of the Soviet Union at which Dr. Jagjit Singh asked for the recognition of the Khalistan Government by the U.S.S.R. and the Soviet President had promised help in this respect.

28. The Government has next examined two Police Officers Rajendra Kumar Sharma s/o Govardhandas, Witness No. 7 and Ajit Singh s/o Sardar Pritam Singh Witness No. 9, both of whom had received a Circular-letter signed by Balbir Singh Sandhu as Secretary-General of the N.C.K. Rajendra Kumar was posted as the Senior Superintendent of Police at Gurdaspur from 11-6-1979 to 10-11-1980. On 10th July 1980, he received a Circular-letter from Balbir Singh Sandhu. The letter-head mentioned the Government of Khalistan and Dr. Jagjit Singh Chauhan was shown as the President. The Circular-letter stated that all Senior Superintendents of Police were informed by that Circular that the Government of Khalistan had been established on 16-6-1980 and that efforts were being made to incorporate within its jurisdiction the Punjabi speaking territories of Rajasthan, Haryana and Himachal Pradesh. The Circular-letter stated that the day was not far off when all these territories would come under the sway of the Government of Khalistan and the Kesari flag would be hoisted instead of the Indian tricolour. The Circular-letter called upon Rajendra Kumar Sharma in his capacity as the Senior Superintendent of Police to be ready to take orders and directions from the Government of Khalistan and it called upon him to work for that Government. The Circular-letter has been produced by Rajendra Kumar Sharma and has been marked as Exhibit No. 21. Ajit Singh s/o Sardar Pritam Singh, Witness No. 9 has also deposed that he had received an identical letter as Ex. No. 21 in his capacity as an Inspector in the C.I.D. at Amritsar. On 4-7-1980 the Circular letter came into his hands and he forwarded the same to the Government.

29. I shall now consider the evidence of Janak Raj s/o Pandit Jagannath, Witness No. 3, who was employed as an Assistant in the office of the D.I.G., C.I.D., Special Branch, Punjab. As an Assistant, Janak Raj dealt with the Sikh affairs in the Punjab. He had maintained files relating to the Dal Khalsa and the National Council of Khalistan. Janak Raj produced the file relating to the National Council of Khalistan. Janak Raj stated that in June 1980 he came across a poster issued by Balbir Singh Sandhu, Secretary-General of the N.C.K. The poster set out a letter written by Dr. Jagjit Singh, President of

the N.C.K. advising the Sikhs to set up the Republic of Khalistan. Janak Raj stated that this letter had been read out before the congregation in front of the 'Akal Takht'. A photostat copy of the poster re: the N.C.K. has been tendered and marked as Exhibit No. 5.

29. In December 1981, Janak Raj came across another poster issued by the Shiromani Akali Dal Inquilabi, which later came to be known as the National Council of Khalistan. The poster stated in bold letters that the Sikhs should end their slavery and should hoist the Khalistan flag. The Khalistan flag had been drawn on the poster alongside the text. Janak Raj produced the said poster together with the Khalistan flag, which has been marked as Exhibit No. 6.

30. Janak Raj produced a pamphlet which he came across in December 1981 issued by Balbir Singh Sandhu, Secretary-General of the N.C.K. and by Dr. Jagjit Singh, President of the N.C.K. The pamphlet was captioned: "It is the Birth-right of the Sikhs to Rule." The pamphlet exhorted the Sikhs to break their silence and to hoist the Khalistan flag. Janak Raj produced a photostat copy of the said pamphlet issued in December 1981, which has been tendered and marked as Ex. No. 7.

31. In March 1981 Janak Raj came across a calendar for the Georgian year 1981 issued by the Republic of Khalistan. Janak Raj produced the said calendar for the year 1981, which has been marked as Ex. No. 8.

32. In the month of March 1981, Janak Raj came upon a map of Khalistan issued by the Government of Khalistan with its insignia. Janak Raj produced the map of Khalistan which has been marked as Exhibit No. 9.

33. Janak Raj then deposed that in March 1981 he came across four pamphlets captioned: "Babbar Khalsa", which were dated 4-9-1981, 18-9-1981, 25-9-1981 and 10-10-1981. In one of these pamphlets, it was stated that Dr. Jagjit Singh invited the Sikhs to join the Khalistan Army. The four pamphlets produced by Janak Raj have been marked as Exhibit No. 10.

34. Janak Raj then produced a pamphlet written by one Surjan Singh, Consul-General of Khalistan in Vancouver (Canada). The pamphlet stated that the Sikhs would not rest content till they had attained a separate Sikh State, no matter what the sacrifice involved. A photostat copy of the pamphlet by Surjan Singh has been marked as Exhibit No. 11.

35. Janak Raj has also produced another pamphlet written by Surjan Singh, Consul-General of the Republic of Khalistan in Vancouver, Canada. In this pamphlet, Surjan Singh exhorted the Sikhs that they would be happy and prosperous only under a separate Sikh State. The pamphlet is marked Ex. No. 12.

36. Janak Raj stated that the Government of Khalistan had issued its own currency and he produced before the Tribunal dollar notes of the denominations of \$ 5, \$ 10 and \$ 20, which have been marked as Ex. No. 13.

37. Janak Raj also produced a postage stamp issued by the Government of Khalistan. Photostat copy of the postal stamp has been tendered and marked Exhibit No. 14.

38. According to Janak Raj, the Government of Khalistan started issuing Passports to various people. A photostat copy of a Passport has been tendered by Janak Raj and marked as Exhibit No. 15.

39. The Government has then examined Gurulal Singh S/o Sardar Hari Singh, Witness No. 6. Gurulal Singh was posted as a Sub-Inspector in the C.I.D. at Jullundur from

11-5-1980. While serving as Sub-Inspector in the C.I.D. at Jullundur, Gurulal Singh came to learn that Balbir Singh Sandhu, Secretary-General of the N.C.K. had his office at the Dilkhuah Market, Jullundur City. He also came to know that Balbir Singh Sandhu used to issue certificates to various persons wishing to go abroad appealing to the Sikhs residing abroad to help such persons. Gurulal Singh has produced one such certificate, dated 16-6-1981, which has been marked as Exhibit No. 19.

40. Gurulal Singh then deposed that on 15-1-1981 he came to learn that 5 or 6 followers of the N.C.K. under the leadership of Ujagar Singh Randhwa had arrived at Jullundur from Amritsar and had taken shelter at Gurudwara Diwan Asthan. On the same day, Gurulal Singh visited that Gurudwara. He saw 5 or 6 persons offering prayers for the establishment of Khalistan at the Gurudwara. Thereafter at 11 a.m. they took out a procession from Gurudwara Diwan Asthan through the market places and they stopped on the way at the offices of several newspapers, such as 'Millap', 'Pratap', 'Hind Samachar', 'Ajit' and others. In front of each newspaper office mentioned above, Ujagar Singh Randhwa made an identical speech, saying that Congress prior to Independence had promised the Sikhs that they would have an independent State, but after Independence they had broken their promise. Instead, the Sikhs had been treated unfairly. Therefore, there was no other alternative but to establish a separate State of Khalistan. Gurubachan Singh and Malkir Singh, both belonging to Dal Khalsa, had also joined this procession. When the procession reached the office of the Information Bureau, Ujagar Singh, Gurubachan Singh and Malkir Singh burnt the photographs of Darbara Singh, the Chief Minister and Gyani Zail Singh, the then Home Minister of Punjab, saying that they were anti-Sikhs. At this time, several followers of the National Council of Khalistan carried placards with the words "Khalistan Zindabad" and "Panth-ki-Jeet Ho" written on them. There were other placards with the slogans "Down with Hindu Imperialism". The procession thereafter returned to Gurudwara Diwan Asthan at 2 p.m. Gurulal stated that he accompanied the procession throughout. This is all the evidence led by the Government.

41. Finding : On an analysis of the evidence, both oral and documentary adduced by the Government, and on a careful consideration of all other documents placed before the Tribunal, it appears to me that there was a concerted, calculated and well-designed effort by the National Council of Khalistan and persons connected therewith, to establish an autonomous State seceding the same from the territory of India. The evidence shows beyond doubt the intention to secede from the Indian Union and to form a new State to be known as Khalistan. Towards that end, Dr. Jagjit Singh, an erstwhile Minister in a Punjab Ministry, had declared his intention on 2nd March, 1980 when at the 'Hala Mohala, fair, which was attended by a large majority of Sikhs, he declared his intention to establish a separate State of Khalistan. That State was to comprise of the entire Punjab and parts of Haryana, Himachal Pradesh, Rajasthan and Kashmir where the Punjabi Language was spoken. On 16-6-1980 a declaration or 'Ailan-nama, was issued by Dr. Jagjit Singh as the President of the National Council of Khalistan and by Balbir Singh Sandhu as its Secretary-General to the effect that a separate State of Khalistan had been established and inaugurated as from that date. A similar proclamation had been made also from London, Paris and Toronto. Thereafter efforts were made to establish Consulates in different parts of the world. Circular-letters were issued to Senior Police Officers and other senior Government officers in charge of law and order to be prepared to take orders and directions from the new Government of Khalistan. The Officers were also directed not to participate in the Independence Day celebrations of 15-8-1981 and to boycott the same. Further efforts were made to recruit staff for the New Government by way of Police

Officers, Military Officers, Advocates and Professors. As a measure of consolidation of the new Government, currency-notes, postage stamps, Passports and certificates were issued. All this would indicate a concerted attempt to bring about secession of a part of the territory of India from the Union and to incite individuals to bring about such secession. This would certainly tantamount to unlawful activity as defined in Section 2, clause 'f' of the said Act. An Association indulging in in such activities would be an unlawful Association within the meaning of Section 2, Clause (g) of the said Act. There is, therefore, sufficient cause for declaring the National Council of Khalistan as an unlawful Association and to confirm the Notification, dated 1-5-1982.

42. I answer Issue No. 1 in the affirmative, in that there is sufficient cause for declaring the National Council of Khalistan as an unlawful Association under the provisions of the said Act.

43. I answer Issue No. 2 also in the affirmative, in that the declaration made under the Notification bearing No. S.O. 296(E) published in the Gazette of India Extraordinary, dated 1-5-1982 is hereby confirmed and the Reference is accepted.

44. This Judgement will be forwarded to the Union Home Ministry for publication in the Government Gazette as expeditiously as possible. All other documents and papers submitted to this Tribunal will also be returned to the Union Home Ministry along with the Judgement.

[No. II/17017/6/82-IS.US.(D-II)]
D. N. MEHTA

का० भा० 766(ब).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप- (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 1 मई, 1982 को दल खालसा की विधि विरुद्ध संगम घोषित किया जा ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 29 मई, 1982 को विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण गठित किया जा जिसमें मुख्य न्यायालय के न्यायमूर्ति श्री जी० एन० मेहता ने ;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना की, इस बात का ध्यानिर्णयन करने के प्रयोजनार्थ कि उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण है या नहीं, 29 मई, 1982 को उक्त अधिकरण को निविष्ट किया जा ;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 19 अक्टूबर, 1982 को आदेश पारित किया ;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण का उक्त आदेश प्रकाशित करती है, अर्थात्:—

आदेश

विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण के समक्ष (अंशजी में प्रकाशित अधिसूचना देखिये)

[सं० II/17017/6/82 आई०एस०यू०एस० (डी-II)]

S.O.766(E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967(37 of 1967) declared on the 1st May, 1982, the Dal Khalsa to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 29th May 1982, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice D.N. Mehta, Judge of Bombay High Court;

And whereas the Central Government, in exercise of the power conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 29th May, 1982 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 19th October, 1982;

Now therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

Reference made under section 4, Sub-Section (1) of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967)

In re : Reference Case No. 1 of 1982

DAL KHALSA

PRESENT :

The Honourable Mr. Justice D. N. Mehta

For the Union of India : Mr. M. L. Nanda with
Mr. M. Mohal Singh

For the Dal Khalsa : Mr. M. S. Butalia and
Mr. G. B. S. Sodhi

Venue of the Sitting and dates
of hearing

At Bombay

Court Room No. 34, First
Floor, High Court Building,
Bombay. 27th 29th and 30th,
September, 1982.

At Delhi

Room No. 1, Punjab House,
Copernicus Road, New Delhi.
4th, 5th, 6th & 11th October
1982.

At Chandigarh

Sector 36-D, House No. 1592,
Chandigarh.

8th and 9th October, 1982

Date of the Order:

19th October 1982

ORDER

MEHTA J.

1. Introduction:—This is a Reference under Section 4, Sub-section (1) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the 'said Act'. The Central Government by a Notification bearing No. S.O. 295(E), dated 1-5-1982 published in the Gazette of India Extraordinary of the same date declared an organization known as 'Dal Khalsa' as an unlawful Association. By another Notification, bearing No. 373 (E), dated 29-5-1982, the Central Government constituted the present Tribunal under Section 5, Sub-section (1) of

the said Act. By letter bearing No. II/17017/11/82-I.S.U.S.D. II (undated) the Central Government referred to this Tribunal the question whether there was sufficient cause for declaring the organizations known as 'Dal Khalsa' and 'the National Council of Khalistan' as unlawful and whether there was sufficient justification for confirming the Notifications, dated 1-5-1982 or for lack of grounds cancelling the same.

2. Thereafter on 19-7-1982 the Central Government appointed Shri D.D. Damle as the Registrar of the Tribunal. On 29-7-1982 and 16-8-1982 Notices were issued to the said Association and the different Office-Bearers under Sub-section (2) of Section 4 of the said Act.

3. At a preliminary hearing, the dates of hearing of evidence at Bombay, Delhi and Chandigarh were fixed. It was decided to hold hearings in Bombay on 27th, 29th and 30th September 1982, at Delhi on 4th, 5th and 6th October 1982 and at Chandigarh on 8th and 9th October 1982. Later it became necessary to hold an additional day of hearing at Delhi on 11th October 1982. Notices with regard to the dates of sittings at Bombay, Delhi and Chandigarh were issued to the Dal Khalsa, the concerned organization and its office-bearers.

4. The Central Government Notification in respect of the Dal Khalsa, bearing No. S.O. 295(E), dated 1-5-1982 is in the following terms :—

"S.O. 295(E)—Whereas the organisation known as 'Dal Khalsa'—

- (i) which had declared as its main objective the establishment of a complete autonomous 'Khalsa State' has, in pursuance of its objective, been preaching secession and disruption of the territorial integrity of India through its activities;
- (ii) had in furtherance of the aforesaid objective, employed five of the members of the 'Dal Khalsa' to hijack an aircraft of the Indian Airlines to Lahore on 29th September 1981 and to demand inter-alia the acceptance by the Government of India, of the establishment of a separate Sikh State to be called, Khalistan;
- (iii) has by owning up responsibility for the incidents which took place in Amritsar on the 26th April 1982 when two severed heads of cows were found and placed near Hindu temples, followed by its threat to repeat such incidents in future, made clear its intention to continue to resort to activities prejudicial to the maintenance of public order and harmony between different religious groups;

And whereas the Central Government is of the opinion that for the reasons aforesaid, the 'Dal Khalsa' is an unlawful association;

And whereas the Central Government is further of the opinion that because of the acts of terrorism and violence and the recent acts of sacrilege owned by members of Dal Khalsa it is necessary to declare the 'Dal Khalsa' to be unlawful with immediate effect.

Now therefore in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'Dal Khalsa' to be an unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette."

908 GI/82-2

It is pertinent to point out that under the Proviso to Sub-section (3) of Section 3 of the said Act, this Notification came into immediate effect from the date of its publication in the Official Gazette.

5. Salient Provisions of the Act:—It will be relevant at this stage to point out the salient provisions of the Unlawful Activities (Prevention) Act, 1967. Section 3, Sub-section (1) empowered the Central Government to declare unlawful any Association if it was of the opinion that such an Association had become unlawful, by Notification in the Official Gazette. Sub-section (2) of section 3 of the said Act required the Government to specify the grounds and such other particulars on which the said Notification was issued. Sub-section (3) of Section 3 provided that no such Notification would have effect until the Tribunal had, by an order made under Section 4, confirmed the declaration made therein and the order was published in the Official Gazette. The Proviso to Sub-section (3) of Section 3, however, conferred special power on the Central Government to give immediate effect to the Notification if in its opinion circumstances existed which rendered it necessary to declare an Association to be unlawful with immediate effect, for reasons to be stated in writing. Under Sub-section (4) of Section 3, the said Notification was required to be published in one daily newspaper having circulation in the State in which the principal office of the Association was situated, apart from publication in the Official Gazette, and the said Notification was also to be served on the Association by one of the four modes provided i.e. (a) by affixing a copy of the Notification to some conspicuous part of the Office of the Association; (b) by serving a copy of the Notification, where possible, on the principal office-bearers of the Association; (c) by proclaiming by beat of drums or by means of loud-speakers, the contents of the Notification in the area in which the activities of the Association were ordinarily carried on and (d) in such other manner as may be prescribed. Under Rule 4 of the Unlawful Activities (Prevention) Rules, 1968, two additional modes of effecting service of the Notification made under Sub-section (1) of section 3 were provided, (a) by making an announcement over the Radio from the local or nearest broadcasting Station of the A.I.R. or (b) by pasting the Notification on the Notice board of the Office of the District Magistrate or the Tahsildar at the Headquarters of the Tahsil in which the office of the Association was situated. Under Sub-section (1) of Section 4 where any Association had been declared unlawful by a Notification issued under Sub-section (1) of Section 3, the Central Government was required to refer the Notification to the Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring the Association unlawful.

Sub-section (2) of Section 4 laid down that on receipt of the Reference under Sub-section (1) the Tribunal had to effect notice in writing to the Association to show cause within 30 days from the date of the service of the Notice why the Association should not be declared unlawful. Sub-section (3) of Section 4 provided that after considering the cause shown by the Association, the Tribunal shall hold an inquiry in the manner specified in Section 9 and after calling for any further information as it considered necessary, shall decide whether or not there was sufficient cause for declaring the Association to be unlawful, and make, as expeditiously as possible and in any case within a period of six months from the date of issue of the Notification under Sub-section (1) of section 3, such order either confirming or cancelling the declaration made in the Notification. Sub-section (4) of Section 4 laid down that the order of the Tribunal shall be published in the Official Gazette. Section 5, Sub-section (1) empowered the Central Government to constitute a Tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person, by a notification in the Official Gazette. Under the Proviso to Sub-

section (1), such a person so appointed was to be of the rank of a Judge of a High Court. Sub-section (5) of Section 5 gave powers to the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions, including the place or places at which it would hold its sittings. Sub-section (6) conferred on the Tribunal the same powers as were vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit. Sub-section (7) of Section 5 laid down that the proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code and the Tribunal shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898. Section 6, Sub-section (1) of the said Act provided that a Notification issued under Section 3 would remain in force for a period of two years from the date on which the Notification became effective, provided the declaration made therein was confirmed by the Tribunal by an order made under Section 4. Sub-section (2) of Section 6 empowered the Government to cancel the Notification issued under Section 3 at any time whether or not the said declaration had been confirmed by the Tribunal. Section 9 of the said Act laid down that the procedure to be followed by the Tribunal in holding any inquiry under Sub-section (3) of Section 4 would be regulated by the procedure laid down in the Code of Civil Procedure and the decision of the Tribunal would be final.

6. Section 2, clause (f) of the said Act defined "unlawful activity" in relation to an individual or association as follows:-

"2 (f) 'Unlawful activity' in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise) :

- (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;
- (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India"

The expression "cession of a part of the territory of India" has been defined in Section 2, clause (b) as an expression which included an admission of the claim of any foreign country to any such part. The expression "secession of a part of the territory of India from the Union" was defined in Section 2, clause (d) as an expression which included the assertion of any claim to determine whether such part would remain a part of the territory of India. These are some of the salient features of the said Act.

7. The case of the Government against the Dal Khalsa:- From the papers submitted to the Tribunal and the various annexures thereto, it appears that that organization was set up on 6-8-1978 with the avowed object of attaining "an Independent sovereign Sikh nation". The aim and object of the organization, according to its Constitution, was to establish a "sovereign Khalsa Raj" and to struggle against anti-Sikh organizations and militant extremist Hindu elements. The Dal Khalsa nominated a Supreme Council with five members, whose names are:

- (1) Harsimran Singh S/o Kartar Singh, a Mukh Panch or Chief Organizer.
- (2) Gajender Singh s/o Manohar Singh;
- (3) Jaswant Singh Thekedar of Gurdaspur;

(4) Harbhagat Singh of Narangwal, and

(5) Satnam Singh s/o Kashmir Singh of Himachal Pradesh.

After the establishment of the Dal Khalsa, the Association had been preaching secession through innumerable modes and activities. The Association was responsible for spreading disharmony, hatred, ill-will and hostility between different religious and linguistic communities. These acts of the organization led to disturbance of public tranquility and caused a feeling of insecurity amongst members of different religious and linguistic communities. The Association openly declared that Sikhs who had accepted the faith of their Gurus could not bear allegiance to the Constitution of India.

8. On 1-2-1981, the Dal Khalsa activists attended and participated in a Seminar held by Senior Sikh Sophisticates Forum at Chandigarh and displayed banners and posters with Khalistan slogans. On 14th and 15th March 1981, the 54th Sikh Educational Conference was held at Chandigarh. On this occasion, the Dal Khalsa protagonists raised pro-Khalistan slogans. On 20-3-1981 the Dal Khalsa activists organized a procession at Anandpur Sahib where pro-Khalistan and anti-India slogans were raised and the same slogans were displayed on banners, placards and posters. On 15-8-1981, the Dal Khalsa members or panchas held a meeting in the Gurudwara in Sector 22 at Chandigarh where they saluted the Kesari flag with naked swords and delivered speeches in support of Khalistan. On the same day, the same incident was recreated at Gurudwara Singh Sabha at Jullundur where again pro-Khalistan slogans were raised. On 27-8-1981, two Dal Khalsa members Satnam Singh and Sukhjinder Singh raised pro-Khalistan slogans in the Visitors' Gallery of the Punjab Vidhan Sabha during the Session.

9. On 18-9-1981, a member of the Dal Khalsa Gurbachan Singh burnt the Indian national flag and a copy of the Indian Constitution at Jullundur.

10. On 29-9-1981, persons claiming to be members of the Dal Khalsa colluded and hijacked an Indian Airlines Boeing plane to Pakistan whilst it was on flight from Delhi to Srinagar via Amritsar. On the same day, in a Press statement, Harsimran Singh, Mukh Panch of the Dal Khalsa, acknowledged responsibility for the hijacking. He also called upon the Union Government to release all persons arrested in connection with the Khalistan movement. According to the Press reports, the hijackers requested the Pakistan President to intervene on their behalf for securing recognition for Khalistan which was to be a Sikh home-land.

11. On 30-10-1981 a meeting of the Dal Khalsa activists was held in a Gurdwara at Kapurthala where Harsimran Singh stressed the need for eliminating Hindu organizations and he Hindu Press in order to pave the ground for the achievement of Khalistan.

12. On 12-11-1981 at Gurudwara Singh Sabha at Kapurthala, Harsimran Singh, Mukh Panch of the Dal Khalsa held secret parleys with Kulwinder Singh and Ranjit Singh of Kapurthala and decided to retaliate against the Police who were committing atrocities on the Sikhs at the Instance of the Hindus. It was resolved at this meeting to kill Hindus on a mass scale with a view to create fear in them and that such an operation would hasten the achievement of Khalistan.

13. In April, 1982, Jaswant Singh Thakedar, a panch of the Dal Khalsa, threatened that if tobacco, liquor and meat shops were not removed from near the Golden Temple at Amritsar by 13-4-1982, the Sikhs would retaliate by slaughtering cows and throwing beef in temple premises and that they would damage the religious places and the religious books of the

Hindus. On 26-4-1982 two severed heads of cows were found in front of Hindu temples at Katra Ahluwalia and Bazar Katlaan in Amritsar City. At both the places posters were found stating that the sacred feelings of Sikhs had been injured for the last 34 years by Hindus who had opened tobacco shops, near the Golden Temple at Amritsar and had prepared envelopes out of the pages of the Holy Granth Sahib and that the Sikhs were now retaliating. The poster was prepared by the Dal Khalsa. Manmohan Singh, a panch of the Dal Khalsa in a statement issued on 27-4-1982 owned responsibility for the incident of placing severed heads of cows in the temple premises at Amritsar the day before. He also stated that such incidents would continue unless the Government closed down the cigarette and bidi shops near the Darbar Sahib at Amritsar. These incidents led to considerable communal tension between the Hindus and the Sikhs. The Dal Khalsa also called upon the Sikhs to boycott the Republic Day functions and to treat it as a black-letter day.

14. Issues:—On the material placed before the Tribunal, the following two issues were raised:—

- (1) Whether there is sufficient cause for declaring the Association known as 'Dal Khalsa' as an unlawful Association under the provisions of the Unlawful Activities (Prevention) Act, 1967;
- (2) Whether the declaration made under Sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act by Notification, bearing No. S.O. 295(E) published in the Gazette of India Extraordinary, New Delhi, dated 1-5-1982, be confirmed or cancelled.

15. Evidence led by the Government and the Public:—The Tribunal held its sittings at Bombay, Delhi and Chandigarh for the purpose of recording evidence of witnesses offered by the Government as also witnesses from the public on various dates mentioned heretofore. It may be mentioned that at Delhi on 4th October 1982, two learned Advocates Mr. M.S. Butalia and Mr. G.B.S. Sodhi appeared on behalf of Harsimran Singh. It was pointed out to them that the Tribunal was not dealing with the activities of Harsimran Singh, but that the jurisdiction of the Tribunal was limited to the extent of finding whether the organization known as 'Dal Khalsa' had indulged in unlawful activities as defined in the said Act. The learned Advocates thereafter appeared on behalf of Dal Khalsa and cross-examined several witnesses produced by the Government. It may also be pointed out here that at Chandigarh on 9th October 1982, two learned Advocates Mr. Krishan Kumar Cuccria and Mr. Rajinder Pal Sood appeared before the Tribunal and gave evidence. They gave evidence only with regard to their personal opinion on the activities of the Dal Khalsa. These being personal opinions, their evidence does not help in resolving the issues before the Tribunal and hence their evidence is of little probative value.

16. The first witness to be examined was Gurudev Singh Grewal, Joint Secretary in the Ministry of Industries, Government of India. Grewal is a formal witness who deposed to the issue of the various Notifications by the Government. He explained the circumstances under which the two Notifications dated 1-5-1982, in respect of the Dal Khalsa and the National Council of Khalistan were issued. Grewal stated that from 11-8-1980 to 31-5-1982 he was attached to the Ministry of Home Affairs as Joint Secretary and was dealing with the political affairs in the country. He stated that in the course of his duties, he came across the activities of an organization known as Dal Khalsa. These activities were reported to his Ministry by the State Government of Punjab from time to time. On the basis of the reports received from the State Government and

also on the anxiety expressed by Members of Parliament in the Rajya Sabha and by the public in general through the media, protesting against the unlawful activities of the Dal Khalsa, it was decided to take action against that organization under the Unlawful Activities (Prevention) Act, 1967. Consequently, on 1-5-1982, the Central Government issued a Notification under Section 3 of the said Act declaring the Dal Khalsa as unlawful. The Notification appearing in the Gazette of India Extraordinary, dated 1-5-1982 in respect of the Dal Khalsa has been tendered and marked as Exhibit No. 1. Subsequently, the Government approached the Bombay High Court for the appointment of a Honourable Judge as Tribunal under Section 5 of the said Act. On 29-5-1982 the present Tribunal was constituted. The appointment was announced by a Notification to that effect appearing in the Gazette of India Extraordinary, dated 29-5-1982. A copy of the Notification regarding the appointment of the present Tribunal has been tendered and marked as Exhibit No. 2. Thereafter the case of the Dal Khalsa was referred to the present Tribunal and all relevant papers and documents, on the basis of which the Notification was issued, were forwarded to the Tribunal.

17. Grewal then deposed that in view of the communal tension prevailing at various places in the Punjab and the apprehension of the situation taking a serious turn, it was decided by the Government to take recourse to the Proviso to Sub-section (3) of Section 3 of the said Act and to bring the declaration regarding the Dal Khalsa into immediate effect. The announcement to that effect had been made in the Notification, dated 1-5-1982 itself. Grewal stated that the announcement of the Notification, dated 1-5-1982 declaring the Dal Khalsa as unlawful was made on the national hook-up of the All India Radio and was also published in seven newspapers, one in Delhi, one in Chandigarh and five in different parts of the Punjab. Grewal stated that all the formalities regarding the proclamation and publication mentioned in sub-section (4) of Section 3 had been complied with.

18. Analysis of the evidence:—The Government has next led the evidence of Atma Singh, Witness No. 3, who was employed as Deputy Superintendent of Police in the Punjab Armed Police, 27th Battalion, Jullundur. Atma Singh deposed that from 1-1-1978 till 1-8-1981 he was posted as Inspector in Punjab C.I.D. Headquarters at Chandigarh. He was in charge of Sikh affairs. He stated that whatever information he received from his agents was passed on by him to the Punjab Government.

19. On 13-8-1978 a meeting of the Dal Khalsa was called at Gurudwara Akalgarh in Sector No. 35 at Chandigarh. According to the information received by Atma Singh, this meeting was presided over by Harsimran Singh, Mukh Panch of the Dal Khalsa. This meeting was attended by Gajender Singh, Mohan Singh, Kulwant Singh, Manjit Singh, Jaswant Singh and several other members of the Dal Khalsa, totalling about 10 to 15. It was resolved at this meeting that there should be established a separate autonomous Sikh State with its own Constitution and which had no connection with the Indian Union whatsoever. At this meeting, a Sub-committee was formed for the purpose of drafting a Constitution with Harsimran Singh as its President. It was decided that this Committee should present a draft of the Constitution at its next meeting. Atma Singh forwarded a report of this meeting to his superiors.

20. The next meeting of the Dal Khalsa was held on 20-8-1978 at Gurudwara Akalgarh. This meeting was also presided over by Harsimran Singh and was attended by about 20 to 22 persons. At this meeting Harsimran Singh read out a draft of the Constitution prepared by his Sub-committee. The meeting endorsed the Constitution of the Dal Khalsa and the persons

present there raised the shouts of "Dal Khalsa Zindabad." The meeting authorised Harsimran Singh to have the Constitution printed and to distribute copies thereof amongst the members. Atma Singh prepared a report of this meeting and forwarded it to his superiors. Atma Singh stated that four days thereafter he was able to obtain a copy of the Constitution of Dal Khalsa. Atma Singh has produced a photostat copy of that Constitution, which has been marked as Ex. No. 7. Atma Singh stated that Gajender Singh, who attended the meeting of the Dal Khalsa on 13-8-1978, was one of the persons who had hijacked an Indian Airlines plane on 29-9-1981. The plane was taken to Lahore and Gajender Singh was arrested in Pakistan. Harsimran Singh was at present in the custody of the Indian authorities in connection with the abetment of the hijacking of the plane.

21. The Constitution of the Dal Khalsa, Exhibit No. 7, laid down as its object—

- (1) The establishment of Khalsa State, with full sovereignty based upon the principles of Khalsa;
- (2) To co-operate with the nations of the world which were struggling for their freedom;
- (3) To fight against the economic exploitation and any one endeavouring to make the Khalsa economically weak;
- (4) To awaken the religious feelings amongst the Sikh nation; and
- (5) to struggle against the Gurudon sects and any organization opposed to the Panth.

The Constitution laid down the requirements of eligibility to membership of the Dal Khalsa, the membership fee, meetings and various other allied matters.

22. Atma Singh was cross-examined both by Mr. Butalia and also by Mr. Sodhi. In his cross-examination Atma Singh stated that he had personally not attended the two meetings held at Gurudwara Kesgarh in Sector No. 35 at Chandigarh on 13-8-1978 and 20-8-1978. Atma Singh stated that he did not know whether any criminal case had been filed in respect of the drafting of this Constitution against any one. Atma Singh stated that the copy of the Constitution, Exhibit No. 7, did not bear the name or the signature of the draftsman. He stated that the name of the printer had been printed on the last page of the Constitution, but he had not made any attempt to trace the printers at Chandigarh at the address given. He denied that he had fabricated the copy of the Constitution of Dal Khalsa at the behest of his superiors.

23. The Government has led the evidence of Janak Raj s/o Pandit Jagannath, Witness No. 4, who was employed as an Assistant in the office of the D.I.G. C.I.D. Punjab at Chandigarh. Janak Raj stated that the office of the D.I.G., C.I.D. Punjab was located in Chandigarh. As an Assistant in the office, he dealt with the papers and documents relating to Sikh affairs in Punjab. He stated that he had maintained files relating to the activities of the Dal Khalsa and the National Council of Khalistan. He had brought the files with him. Janak Raj stated that in January 1981 he came across a poster with a report from his Field Officer. The poster was issued by the Dal Khalsa. It exhorted the Sikhs to boycott the Republic Day celebrations of 26th January 1981. The poster stated that such of the Sikhs who participated in the Republic Day celebrations would be cutting their own throats. A photostat copy of the poster was produced by Janak Raj, which has been marked as Exhibit No. 8.

24. In August 1981, Janak Raj came across another poster issued under the signatures of Harsimran Singh, Mukh Panch of the Dal Khalsa, Gajender Singh, Satnam Singh, Gyani Harbhagat Singh and Jaswant Singh, panchas of Dal Khalsa. The poster stated that the Independence Day of 15th August 1981 should be treated as a blackletter day for the Sikhs. The poster stated that a procession will be taken out by the Sikhs from Gurudwara Mandi Sahib in the Golden Temple at Amritsar. Janak Raj has produced a photostat copy of this poster which has been marked as Exhibit No. 9.

25. Janak Raj then stated that in December 1981 he came across yet another poster issued by the Dal Khalsa. He received this poster from his Field Officer. The poster was captioned: "Why the Sikh State should be established." The poster further stated that the Sikh community could not remain as a part of India and hence it was necessary to have an independent State. A photostat copy of this poster has been tendered and marked as Exhibit No. 10.

26. The Government has next examined Balbir Singh s/o Chanchal Singh, Witness No. 7. In August 1981 Balbir Singh was posted as an Inspector of Police in the C.I.D. at Amritsar. One of his duties was to collect intelligence reports of political parties and to forward them to his superiors. On 1st December 1981 Balbir Singh came across a poster captioned: "Khalistan Zindabad". It was written on the poster that it was better to die than to live with dishonour. The poster was signed by Harsimran Singh, Mukh Panch of the Dal Khalsa and Jaswant Singh, Panch of the Dal Khalsa. In the body of the poster it was mentioned that certain Hindu Officers, who were mentioned by name, were tyrannising the Sikh community. The poster called upon the Police and the Army not to obey the orders of Gangu Brahmins. Balbir Singh has produced a photostat copy of the poster which has been marked as Exhibit No. 14. Balbir Singh forwarded to his superiors the poster along with his report. On the basis of the poster, a first Information Report, bearing No. 371 dated 4-12-1981 was lodged at Thana Division No. 4, Jullundur. A copy of the F.I.R. has been marked as Ex. No. 16.

27. In his cross-examination by Mr. Butalia and Mr. Sodhi, Balbir Singh stated that he did not investigate the case in respect of the F.I.R. Exhibit No. 15. He admitted that there was no name of the printer on the poster. He stated that the names of the persons who had issued the poster had been written on the poster, but no address was given. He denied that he had the poster printed himself in order to blame the Dal Khalsa.

28. The next witness examined by the Government was Balwant Singh S/o Sardar Arjan Singh, Witness No. 5, who was the Deputy Superintendent of Police, C.I.D. at Ropar. Balwant Singh stated that he had been posted as District Superintendent of Police at Ropar since October 1980. Balwant Singh stated that the Gurudwara Anandpur Sahib fell within his jurisdiction. At the Gurudwara Anandpur Sahib an annual fair took place, which was known as 'HOLA MOHALA'. This fair usually took place in the month of March of each year. In 1981 the 'HOLA MOHALA' fair took place on 20-3-1981 and two days subsequently. Thousands of Sikhs had gathered to participate in the fair. He was also present along with his staff to collect intelligence. On 20-3-1981 the Dal Khalsa organized a procession and held a public meeting. About 85 people had taken part in this procession. A few of them were armed with rifles and guns. Harsimran Singh, Mukh Panch of the Dal Khalsa led the procession. The others who participated in the procession were Gajender Singh and Ujagar Singh Randhwa of Taran-Taran. Harsimran Singh made a speech. The others also made speeches. They stated that the Government considered the Sikhs as anti-national and as members of criminal

tribes They called upon the Sikhs to get ready for establishing Khalistan as that was the only way of safeguarding their interests After the speeches there was flag hoisting and the function ended at about 12 30 p m A 'Kesari' flag was hoisted and five shots from a rifle were fired in the air After the function was over, slogans were raised, such as "Khalistan Zindabad", "India is not our country" and "We shall bring down the tricolour and hoist the Kesari flag" Other slogans were also raised such as "We shall take Khalistan at the point of a gun" and "Topi-Dhoti Jamna Par" There were placards with the captions, "Khalistan Brigade", "We do not respect the Indian Constitution" Another placard had a map of Khalistan carved out of India's north-western border Balwant Singh had forwarded his report to his superiors giving details of this incident at the 'Hola Mohala' fair

29 In his cross examination by Mr Butalia and Mr Sodhi, Balwant Singh stated that he knew most of the persons who had attended the fair as they hailed from the same locality in which he lived He did not have any photographs taken of the procession Nor did he make any attempt to take charge of the placards He stated that there was no act of violence indulged in by the processionists

30 The Government has next examined Gurulal Singh S/o Sardar Hari Singh, Witness No 8, who was posted as a Sub-Inspector of Police, C I D at Jullundur Gurulal Singh stated that on 15-8-1981, which was the Independence Day, at about 8 a m four workers of the Dal Khalsa gathered at the Gurudwara Diwan Asthan at Jullundur City He was present at the Gurudwara at that time The four persons who were connected with the Dal Khalsa were Gurubachan Singh, Onkar Singh, Ranjit Singh and Harbinder Singh They were all workers of the Dal Khalsa These four persons found a heavy Police reinforcement gathered there They, therefore, quietly dispersed and went to another Gurudwara i.e Gurudwara Singh Sabha near the Bus-stand, Adda Hoshiarpur in Jullundur City Gurulal Singh stated that he followed those four persons On reaching Gurudwara Singh Sabha, the four persons took out their swords and saluted the Kesari flag which was hoisted there They then raised slogans like "Dal Khalsa Zindabad" and "Khalistan Zindabad" Thereafter they dispersed Gurulal Singh forwarded a report of this incident to his superiors

31 In cross-examination, Gurulal Singh admitted that the Kesari flag was a religious symbol He stated that every Sikh commenced his prayers asking for blessings on the Kesari flag that it should always fly high He stated that he was not aware whether at the time of prayer in the Gurudwara, a naked 'Kirpan' was presented He stated that he had not visited the five principal places of worship of Sikhs (Akali Takht) He stated that he had not visited any historical Gurudwara

32 Gurulal Singh further stated in his cross-examination that about four days prior to 15-8-1981, it had been decided by the Dal Khalsa to boycott all celebrations on the Independence Day Gurulal Singh stated that it was customary for Sikhs to shout five times the slogan "Jo Bole So Nehal, Sat Sri Akal" The witness agreed that was the slogan which had been shouted on the morning of 15-8-1981 He disagreed that the meeting held on the morning of 15-8-1981 was a religious meeting He stated that it was a political meeting

33 Now, I do not think that the evidence of Gurulal Singh carries the Government case any further It is customary for Sikhs when visiting a Gurudwara to stand in front of the Kesari flag with a naked sword or 'Kirpan' and shout the slogan "Jo Bole So Nehal, Sat Sri Akal" Assuming that the four persons i.e Gurubachan Singh, Onkar Singh, Ranjit Singh and Harbinder Singh had shouted the slogans like "Dal Khalsa Zindabad" and "Khalistan Zindabad", that, in my opinion, cannot

be termed as an unlawful activity' as defined under Section 2(f) of the said Act such as was likely to bring about secession of any part of the territory of India Nor was it likely to disrupt the sovereignty or territorial integrity of India I, therefore, do not think that Gurulal Singh's evidence would be of any help in deciding the issues in this case

34 I shall now deal with the evidence of Dewan Singh S/o Sardar Prem Singh, Witness No 11, who had retired from the service of the Punjab Police Dewan Singh stated that from March 1975 till November 1981, he was posted as a Sub-Inspector in the Punjab C I D at Chandigarh During his posting as Sub-Inspector he dealt with the Sikh affairs Dewan Singh stated that on 26-1-1981, the members of the Dal Khalsa held a meeting at the Gurudwara located in Sector No 22 at Chandigarh The Chairman of the meeting was Harsimran Singh, Mukh Panch of the Dal Khalsa The meeting was attended by Gajender Singh and Manmohan Singh, both panchas of the Dal Khalsa At this meeting it was decided to treat the Republic Day as a black-letter day There were four cloth banners, on one of which was written 'Khalistan Zindabad' On the second was printed a map of Khalistan and the other two depicted certain scenes of repression of Sikhs dating from 1526 to 1849 and again from 1947 onwards One of the placards displayed a couplet

"Maut Ki Shamsheer Se Taab Darna Kis Live Zindgi Guzari Hai Khana-i-Jallad Mein"

("Why be afraid of the sword, friends, when we have spent our lives in the slaughter house")

He stated that Gajender Singh thereafter stood in front of the 'Kesari' flag with a naked 'Kirpan' and uttered a prayer He then read out a couplet from the Holy Book which stated

"God give me strength to do good work without fear"

Thereafter Gajender Singh fired a shot from a double-barrel gun in the air After that the meeting dispersed amidst shouts of "Khalistan Zindabad"

35 Dewan Singh then stated that on 1-2-1981 the Senior Sikhs Sophisticates Forum held a meeting at the Panchayat Bhavan at Chandigarh Some members of the Dal Khalsa took advantage of this opportunity and opened a book-stall at the site of the meeting Dewan Singh stated that he was present at this meeting The same cloth banners and placards which had been displayed on 26-1-1981 were also displayed by Khalsa at this meeting The members of the Dal Khalsa who attended this meeting were Harsimran Singh, Gajender Singh, Manmohan Singh, Satnam Singh, Kirpal Singh, Man and N Singh, father of Gajender Singh At the meeting of the Forum, Harsimran Singh made a speech in which he stated that formerly the Muslims used to declare war on the Sikhs and the Hindus and the Sikhs united together against the Muslim hostility Now it were the Hindus who were declaring war on the Sikhs At this meeting the Dal Khalsa issued a postage stamp of 25 Paise Dewan Singh has produced one such postage stamp The same has been marked as Ex No 28

36 Dewan Singh then stated that on 14-3-1981, the 54th All India Sikh Education Conference took place at Chandigarh and was presided over by Ganga Singh Dhillon About 1300 to 1400 persons attended this Conference In the course of this meeting, Ganga Singh Dhillon stated that the Sikhs were a nation and not a tribe On hearing this, Harsimran Singh and Gajender Singh, who were present at the Conference raised the cries of "Khalistan Zindabad"

37 Dewan Singh then deposed that on 15-8-1981 a Diwan or a religious meeting was held in the Gurudwara in Sector 22 of Chandigarh At this meeting, Harsimran Singh, Manmohan

Singh, Nehang Gurudeep Singh and Satnam Singh of the Dal Khalsa were present. Dewan Singh was also present at this meeting. Harsimran Singh made a speech in which he stated that at one time there was considerable opposition to the formation of the Punjabi Sabha. But afterwards Punjabi Sabha had come into existence. Similarly at present there was opposition to Khalistan, but Khalistan would also come into existence. After his speech he raised the cries of "Khalistan Zindabad", "We shall take Khalistan" and Hindustan is not our home." After this Harsimran Singh took out a 'Kirpan', saluted the 'Kesari' flag and uttered a prayer. It was decided at this meeting that the Sikhs would not celebrate the Independence Day, but would treat it as a black-letter day. In the course of his speech, Harsimran Singh stated that the Sikhs were faced with two choices : Honour or dishonour, Self-respect or disgrace; Self-esteem or humiliation; Freedom or slavery and Kesari or tricolour. He also stated that freedom was the birth-right of the Sikhs.

38. Dewan Singh was cross-examined by Mr. Bhatia and Mr. Sodhi. In his cross-examination Dewan Singh stated that in his presence none of the persons who had attended the meeting was arrested. He stated that he did not make any attempt to remove the banners, nor did he have the banners photographed. Dewan Singh stated that he could not say whether according to the religious tenets, a naked 'Kirpan' or a sword had to be presented at the time of prayers. He stated that he had not visited any of the five Takhts in India. Dewan Singh further stated that on 1-2-1981 at the meeting of the Senior Sikhs Sophisticates Forum, the Dal Khalsa had displayed some books relating to the Khalistan movement. He had not purchased any of the books. Dewan Singh stated that he could not say who had put up the banners at this meeting, since the banners were hanging there prior to his arrival and they were still hanging at the time when he left.

39. The Government has made some attempt to lead evidence to show a connection between the activities of the Dal Khalsa and the National Council of Khalistan. Towards that end they examined Pirthi Pal Singh s/o Santar Harchand Singh, Witness No. 14, who was the Deputy Superintendent of Police in the C.I.D. Special Branch of Punjab at Chandigarh. Pirthi Pal Singh stated that in his capacity as Deputy Superintendent of Police at Chandigarh, he received reports on the activities of the Dal Khalsa and the National Council of Khalistan. He stated that the aim and object of both the organisations was identical i.e. the formation of an independent autonomous State of Khalistan with its own Government, its Constitution and its flag. Pirthi Pal Singh stated that the Dal Khalsa consisted of militant Sikh youths and Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan, used to encourage these youths to resort to violent activities. The witness stated that formerly the office of the Dal Khalsa was at Chandigarh and that of the National Council of Khalistan was at Jullundur. But lately the office of both these organisations was shifted to Guru Nanak Niwas, Golden Temple, Amritsar. Pirthi Pal Singh stated that on 15-8-1981 a joint meeting of the Dal Khalsa and the National Council of Khalistan was convened at Guru Nanak Niwas at Amritsar. At this meeting, the 'Kesari' flag was hoisted and slogans like "Khalistan Zindabad" were raised. A resolution was passed at this meeting for the establishment of Khalistan and for starting a "Dharam-Yudh" (religious war) for its attainment. A joint Press release signed by Gajender Singh, Panch of the Dal Khalsa and by Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan was issued to the Press. Pirthi Pal Singh was produced a photostat copy of the joint Press release, dated 15-8-1981, which has been lettered and marked as Exhibit No. 32.

40. Now, I do not think that this evidence is sufficient to establish a link between the Dal Khalsa and the National Council of Khalistan, not that it is necessary to establish such a link for the purpose of proving the issues before the Tribunal. Pirthi Pal Singh has merely stated that Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan, encouraged militant Sikh youths belonging to Dal Khalsa to resort to violent activities. This is only an impression. Apart from this statement, there is no other evidence to show that Balbir Singh Sandhu had anything to do with the youths belonging to the Dal Khalsa. It may well be that the aim and object of both the organisations is identical i.e. the establishment of an independent autonomous state of Khalistan. But that would not establish any link between the two; nor would the fact that at one time the office of the Dal Khalsa was situated at Chandigarh and that of the National Council of Khalistan at Jullundur and at present both had shifted their office to Guru Nanak Niwas at Amritsar. That may only be with a view to avoid arrests and Police raids on the office. I do not think that the Joint Press release, dated 15-8-1981 can also establish a substantial link between the two organisations, except that both had a common objective i.e. the attainment of Khalistan. I, therefore, do not think that the Government had been able to prove any connection or link between the two organisations or that Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan, was encouraging and inciting secessionist and violent activities of young men who belonged to the Dal Khalsa. This is one of the grounds mentioned in the Notification concerning the National Council of Khalistan, bearing No. S.O. 296(B), dated 1-5-1982. In my view, this ground has not been substantiated. I have, however, on other grounds mentioned in my Order held that the National Council of Khalistan was indulging in unlawful activities as defined under the Unlawful Activities (Prevention) Act, 1967.

41. I have already referred to the evidence of two learned Advocates Mr. Krishan Kumar Chabria, Witness No. 12 and Mr. Rajinder Pal Sood, Witness No. 13. Both the learned Advocates have expressed certain opinions against the Dal Khalsa and the National Council of Khalistan and they have advocated a ban on the activities of both these organisations. Since these are mainly personal opinions of the learned Advocates, they do not in any way go to prove the issues before this Tribunal. I have, therefore, not taken their evidence into consideration.

42. That leaves the evidence of three incidents on which considerable stress and emphasis has been laid by Mr. Nanda, learned Advocate appearing on behalf of the Government. The first is the incident of burning of the Indian tricolour and tearing of the pages from the book on the Constitution of India at a public place at Jullundur. The second is the hijacking of an Indian Airlines Boeing plane, Flight No. IC 432 to Lahore by members of the Dal Khalsa and the third are the acts of sacrilege of placing severed heads of cows in front of Hindu temples i.e. Mandir Shivaji in Kotla Ahluwalia and Bazar Kathian at Amritsar.

43. Megh Raj, Witness No. 2, who held the rank of a Sub-Inspector, was the Station House Officer of Police Station Division No. 4, Jullundur. Megh Raj stated that he investigated the case involving F.I.R. No. 295 of 1981, dated 18-9-1981 at the Police Station Division No. 4, Jullundur. Megh Raj stated that Gurbachan Singh a member of the Dal Khalsa, had publicly declared in Jullundur that he would destroy the national flag and tear the Constitution of India in Milap Chowk.

Accordingly, on 18-9-1981, Gurbachan Singh went to the Milap Chowk and raised the slogan "Khalistan Zindabad." He stated before the persons who had gathered there that he would burn

the flag of the nation which did not have a Sikh. Thereafter Gurbachan Singh brought out the Indian tricolour and burnt it at the same place. He then brought out pages of the Constitution of India and tore them to pieces. Gurbachan Singh was arrested by S I Raj Kumar. The Police Officer also took charge of the burnt pieces of the national flag and the torn remnants of the pages of the Constitution of India. He took charge of match-box and a five rupee note from the person of Gurbachan Singh. The articles were taken charge of under a panchnama in the presence of two panchas (Gurd-Mukhi). The recovery panchnama, dated 18-9-1981 was produced by Megh Raj and has been marked as Exhibit No. 3. Raj Kumar also gave information of this offence to the Police Station. His statement was recorded and was treated as the First Information Report. The F.I.R. of R J Kumar, bearing No. 25 of 1981, is marked as Exhibit No. 4.

44 Megh Raj stated that the case against Gurbachan Singh was proceeded with in the Court of the Chief Justice, Jullundur. While the proceedings were in progress Gurbachan Singh jumped bail on 3-5-1982. The case was thereafter put on the dormant file.

45 Megh Raj was cross-examined by Mr. Badaria and Mr. Sodhi. However, there is nothing in the cross-examination which would cast a doubt upon the veracity of the Police Officer since his testimony is corroborated by the F.I.R. of S I Raj Kumar, Exhibit No. 4, and the recovery panchnama, Ex No. 3.

46 On the incident of hijacking, the Government has led the evidence of Bal Krishan Tanwar s/o Babu Rupchand, Writings No. 9, who was posted as the Assistant Commissioner of Police, Vigilance Branch, Delhi in June 1981. Bal Krishan Tanwar produced a carbon copy of the F.I.R. No. 105 of 1981, dated 29-9-1981 filed by G S Lohan, Senior Security Officer, Indian Airlines, Delhi Airport. The case was registered under Sections 365, 295, 397 and 398 read with Section 34 of the Indian Penal Code and Section 27 read with Sections 54 and 59 of the Arms Act and Section 10 of the Indian Airports Act. Bal Krishan stated that he investigated the case. The case was in respect of an Indian Airlines Boeing Airplane 737, Flight No. IC 432 flying from Delhi Airport to its destination at Shri Ganga via Amritsar. Bal Krishan Tanwar stated that he recorded statements of the members of the crew and some of the passengers. His investigations revealed that Gajender Singh, a Panch of Dal Khalsa, along with four others viz. Satnam Singh, Tejender Singh, Jasbir Singh and Karam Singh had hijacked the plane from Delhi to Lahore. All five of them carried 'Kipans' with them. After they had succeeded in taking charge of the aircraft, they shouted slogans such as 'Khalistan Zindabad, Hindustan Murdabad'. They also made the passengers shout the same slogans at the point of their 'Kipans'. Even the children of foreign passengers were compelled to shout that slogan. The main demand of the hijackers was the establishment of the State of Khalistan, payment of a sum of \$ 500,000/- and the release of all prisoners arrested in connection with the Khalistan movement.

47 On the same evening, a Press Conference was held in the office of the Dal Khalsa in Gurgaon Narok Niwas, Amritsar, at which Harimohan Singh declared that the Dal Khalsa was responsible for the hijacking. A carbon copy of the F.I.R. No. 105, dated 29-9-1981 has been produced and marked as Ex No. 20. Bal Krishan Tanwar produced a Press cutting from the daily newspaper "Tribune" in respect of the Press Conference held by Harimohan Singh regarding his account of the hijacking. The newspaper cutting has been tendered and marked as Ex No. 21. Bal Krishan Tanwar stated that Harimohan Singh was arrested in connection with this incident. The actual hijackers were arrested in Pakistan.

48 In the course of his cross-examination by Mr. Badaria and Mr. Sodhi, Tanwar stated that he had recorded statements of all those who were present at the Press Conference. He stated that Chhota Singh and his wife were responsible for the hijacking and that the Dal Khalsa had nothing to do with it. Bal Krishan Tanwar stated that Harimohan Singh had planned the hijacking and had admitted it in a Press Conference. He could not find out the place where the actual planning of the hijacking had taken place. Bal Krishan Tanwar stated that he came to know through the press that the hijackers had demanded the establishment of the Government of Khalistan, the payment of a sum of \$ 500,000/- and the release of all prisoners connected with the Khalistan movement.

49 The last incident which took place on 26-4-1982 concerned the placing of severed heads of cows in the precincts of the temple at Amritsar. Durga Dass s/o Puarchand, Writings No. 10 was a Sub-Inspector attached to the City Kotwali Police Station at Amritsar. Karam Ahluwalia and Bazar Kathian were localities which fell within the jurisdiction of the City Kotwali Police Station. At both these places, there was a Hindu temple known as 'Mandir Shivala'. On 25-3-1982 one Jagan Singh Thakkar, Mukh Panch of the Dal Khalsa held a Press Conference at which he criticised the statement of the Chief Minister of Punjab that no organisation like Dal Khalsa existed. He stated that he would prove the existence of Dal Khalsa by placing severed heads of cows in the temples on the Baisakhi day. Durga Dass produced a Press cutting from the newspaper 'Akali Patrika' dated 25-3-1982 which has been tendered and marked as Ex No. 22.

50 Durga Dass then deposed that on 26-4-1982, Sohan Singh s/o Fateh Singh came to the Kotwali Police Station and reported to him that Jagan Singh, Mannohan Singh, Sukhinder Singh and Rajender Singh, members of the Dal Khalsa and placed severed heads of cows in front of 'Mandir Shivala' both at Karam Ahluwalia and Bazar Kathian. They had also placed posters at both these places. Durga Dass stated that he immediately recorded the statement of Sohan Singh s/o Fateh Singh and registered a case, being Case No. 96 of 1982 under Sections 295A and 153A read with Section 34 of the Indian Penal Code. Durga Dass produced the F.I.R. recorded by him which has been tendered and marked as Ex No. 23.

51 Durga Dass then stated that he proceeded to Mandir Shivala at Bazar Kathian. He found a severed head of a cow hung on the fence of the temple. There was also a poster which had been hung nearby. He took charge of the severed head of the cow as also the poster in the presence of panchas under a panchnama. A copy of that panchnama has been produced and marked as Exhibit No. 24. Durga Dass stated that the poster contained the following text -

"Khalistan Zindabad. Hindus have injured the feelings of the Sikhs by opening Pan-Bhai shops near our holy place. Now we shall not tolerate this. We shall not let you live, nor shall we live. You had torn the pages of Guru Granth Sahib and made envelopes from those pages. Swords and bullets have now become our lives. Issued by Dal Khalsa."

52 After taking charge of the severed head of the cow, Durga Dass proceeded to Mandir Shivala at Karam Ahluwalia. There too he found the severed head of another cow placed immediately in front of the temple. The cow was an identical poster hanging on the fence. Durga Dass took charge of the severed head of the cow as also the poster in the presence of panchas under a panchnama, a copy of which has been tendered and marked as Exhibit No. 25.

53. Durga Dass stated that on the same day i.e. 26-4-1982, Mannohan Singh issued a statement to the Press that the Dal Khalsa was responsible for the acts of placing severed heads of cows near the Hindu temples. Durga Dass produced a cutting from the daily newspaper "Tribune" dated 27-4-1982, which has been marked as Exhibit No. 26. Durga Dass stated that as a result of these incidents, there was considerable communal tension between the two communities of Hindus and the Sikhs in Amritsar. In this case, Sukhinder Singh, a panch of the Dal Khalsa was arrested. The others were absconding.

54. Durga Dass was cross-examined by Mr. Butalia and Mr. Sodhi. Although the cross-examination is at some length, there is hardly any cross-examination on the incidents of sacrilege themselves. The only suggestion that was made to the witness was that no such incidents had taken place, a suggestion which the witness has denied.

55. On an analysis of the entire evidence led by the Government and on a careful consideration of the documents submitted to the Tribunal, it will be observed that various incidents in the years 1981 and 1982 have been deposed to involving the Dal Khalsa organization. There is some evidence on record that members of the Dal Khalsa gathered at Gurudwaras where they offered prayers and saluted the Kesari flag with naked swords and Kirpans. At these meetings, slogans of "Khalistan Zindabad" and "Hindustan Murdabad" were raised. To my mind, these incidents are of no consequence. Salute to the Kesari flag with naked Kirpans or swords is part of the religious ritual of the Sikhs who were ordained as a martial race by their tenth and the last Guru, Guru Govind Singh. The Guru gave his followers a distinct identity by making it obligatory upon his followers to wear their hair long and to grow a beard, to wear a comb and an iron bracelet on the wrist and to wear an under-wear. He also gave an injunction to wear a sword or a Kirpan at all times. The meetings at the Gurudwaras with naked swords and Kirpans and the shouting of slogans cannot, to my mind, be considered as acts which would disrupt, disclaim or impugn the sovereignty and territorial integrity of India. Nor was it likely to bring about the secession of any part of the territory of India. I, therefore, consider these incidents to be innocuous.

56. So also the incidents of placing severed heads of cows in front of the temple premises. I do not for a moment desire to belittle the gravity of these sacrilegious acts. These acts were intended solely with a view to wounding the religious feelings of community. They certainly would lead to communal tension and create a law and order problem in their wake. They were fraught with disastrous consequences. The question, however, is whether they could be termed as an 'unlawful activity' as defined in clause (f) of Section 2 of the said Act. Could it be stated that these acts disrupted, disclaimed or impugned the sovereignty and territorial integrity of India, or that they brought about the secession of a part of the territory of India from the Union? I think not. The could be dealt with the aid of the ordinary laws of the land. These acts, therefore, however grave in their nature, cannot be said to be 'an unlawful activity' as defined under the said Act.

57. The hijacking of an Indian Airlines plane from Delhi to Lahore stands on an entirely different footing. A group of persons affiliated to the Dal Khalsa took forcible possession of a property belonging to the Government of India which was worth crores of rupees, and under compulsion diverted it to a foreign country. This act would amount to a direct challenge to the authority of the Government, such as would question and disrupt the sovereignty of the country. This act would, therefore, tantamount to an 'Unlawful activity' as defined under clause (f) of Section 2 of the said Act.

58. The acts of burning the Indian tricolour and the tearing of the pages of the Constitution and in the background of this, to boycott the Independence Day celebrations could all be termed as acts which were intended to support or to bring about the secession of a part of the territory of India from the Union and sufficient to incite other individuals to bring about such secession. I am, therefore of the view that the members of the Association known as 'Dal Khalsa' had indulged in unlawful activities with the object of bringing about the State of Khalistan by seceding a part of the territory of this country from the Union. There is, therefore, sufficient cause for declaring this Association as unlawful.

59. I, therefore, answer Issue No. 1 in favour of the Government, in that there is sufficient cause for declaring the Association known as 'the Dal Khalsa' as an unlawful Association under the provisions of the Unlawful Activities (Prevention) Act, 1967.

60. I answer Issue No. 2 also in favour of the Government in that the declaration made under Sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967, by Notification bearing No. S. O. 295 (F) published in the Gazette of India Extraordinary, New Delhi, dated 1-5-1982 is hereby confirmed and the Reference is accepted.

61. Before parting with this Reference, it needs to be stated that it is unfortunate that a small section of the Sikh community has thought in terms of secession from this country. Recent events have shown that division and vivisection do not solve problems: on the contrary, they create larger problems in their wake. The Sikhs are a rugged, valiant and martial race. Their religion emerged as a protest against Moghul autocracy and Hindu pacifism. Their history of two centuries has been intricately woven into the history of this country. In times of crisis and conflict, they have displayed courage and valour above and beyond the call of duty and have earned for themselves praise and honour. One can only hope and pray that these misguided souls will retrace their step and endeavour to find fulfilment of their aspirations within the fabric and framework of the Indian nation.

62. This Judgment will be forwarded to the Union Home Ministry for publication in the Government Gazette as expeditiously as possible. All other documents and papers submitted to this Tribunal will also be returned to the Union Home Ministry along with the judgment.

[No. II/17017/6/82-IS.US D-II]

का० आ० 767 (अ).—भारत सरकार के गृह मंत्रालय की तारीख 1 मई, 1982 की अधिसूचना सं० का० आ० 295 (अ) और अधिसूचना सं० का० आ० 296 (अ) में प्रनियमित विषय पर न्यायनिर्णयन करने के लिए "विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण" का भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० 373 (अ) तारीख 29 मई, 1982 द्वारा गठन किया गया था, जिसमें न्यायमूर्ति श्री डी० एन० मेहता, मुख्य न्यायाधीश के न्याय-धीन थे और अधिकरण ने अपना कार्य पूरा कर लिया है;

और यह कि केन्द्रीय सरकार की यह राय है कि उक्त अधिकरण को बना रहना आवश्यक नहीं है।

अतः, अब केन्द्रीय सरकार, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 5 की उपधारा (1) द्वारा प्रबल शक्तियों का प्रयोग करते हुए निदेश देती है कि उपर्युक्त अधिकरण राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से अस्तित्व में नहीं रहेगा।

[सं० II /17017/6/82-आई एस० यू एस-डी-II]

एल० एन० गुप्ता, संयुक्त सचिव

S. O. 767 (E) :—Whereas the “Unlawful Activities (Prevention) Tribunal” consisting of Shri Justice D.N. Mehta, Judge of Bombay High Court, constituted by the notification of the Government of India in the Ministry of Home Affairs No. S. O. 373(E) dated the 29th May 1982, to adjudicate upon the matter contained in the notifications of the Government of India in the Ministry of Home Affairs No. S. O. 295 (E) and No. S. O. 296 (E) dated the 1st May 1982, has completed its work ;

And whereas the Central Government is of opinion that the continued existence of the said Tribunal is unnecessary;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 5 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that the aforesaid Tribunal shall cease to exist with effect from the date of publication of this notification in the Official Gazette.

[No. II/17017/6/82-IS.US.D.-II]

L. N. GUPTA, Joint Secy.

